IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 27TH SEPTEMBER 2007 / 5TH ASWINA 1929

WA.No. 2352 of 2007

AGAINST THE JUDGEMENT IN WPC.26614/2007 Dated 14/09/2007
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APPELLANT/PETITIONER:

SIDDIQUE,
S/O KASMI,
MULLANJERY HOUSE,
P.O.THEKKEN KUTTUR,
TIRUR, MALAPPURAM DISTRICT.

BY ADV. SRIC.M.MOHAMMED IQUABAL

RESPONDENTS/RESPONDENTS:
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1. THE TAHSILDAR,
TIRUR.

2. THE DISTRICT COLLECTOR,
MALAPPURAM.

BY SPECIAL GOVERNMENT PLEADER MR.C.T.RAVIKUMAR

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 27/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN, J.

W.A.No.2352 of 2007

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Dated, this the 27th day of September, 2007

JUDGMENT

K.T.Sankaran, J.

The petitioner in W.P.(C) No.26614 of 2007 challenges the judgment rendered by the learned Single Judge dated 14th September, 2007. The writ petition was filed by the appellant for the following reliefs:

> "a) Call for the records leading upto Ext.P5 and quash the same by issuing a writ of certiorari or any other appropriate writ, order or direction.
>
> b) issue a writ of mandamus or any other appropriate writ, order or direction staying all further proceedings in pursuance to Ext.P5 and to release the vehicle from the illegal custody of the respondents to the petitioner, and
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> c) pass any other appropriate writ, order or direction this Hon'ble Court may be deem fit to issue and the petitioner may pray from time to time."

2. The learned Single Judge held that Ext.P5 is liable to be quashed as the second respondent did not take into consideration the relevant aspects of the matter. The learned Judge also held that Ext.P5 would stand quashed and fresh orders shall be passed with notice to the petitioner, as expeditiously as possible, and at any rate within three weeks from the date of receipt of a copy of the judgment. The learned Single Judge also granted liberty to the petitioner to move the District Collector; and the District Collector was directed to consider the request of the petitioner and pass appropriate orders.

3. One of the grievances of the appellant is that the District Collector has not mentioned anything in Ext.P5 regarding release of the vehicle. This was questioned before the learned Single Judge. Even in the judgment rendered by the learned Single Judge there is no mention of releasing the

vehicle. That is the only grievance which is raised by the appellant.

4. After hearing the learned counsel appearing for the appellant and the learned Government Pleader, we are of the view that a direction can be issued to the District Collector to consider the question as to whether the vehicle can be released on such conditions as he may wish to impose after hearing the parties concerned.

Writ appeal is disposed of with the above direction.

(**H.L.DATTU)**
CHIEF JUSTICE

(K.T.SANKARAN)
JUDGE

vns